

# **A**GRICULTURAL **I**MPACT **S**TATEMENT



## **Transportation Improvements in the Southern Portion of the Green Bay Metropolitan Area Brown County**

**Published September 14, 2012**

Wisconsin Department of Agriculture,  
Trade and Consumer Protection  
DATCP #3839



# Agricultural Impact Statement

Wisconsin Department of Agriculture,  
Trade and Consumer Protection

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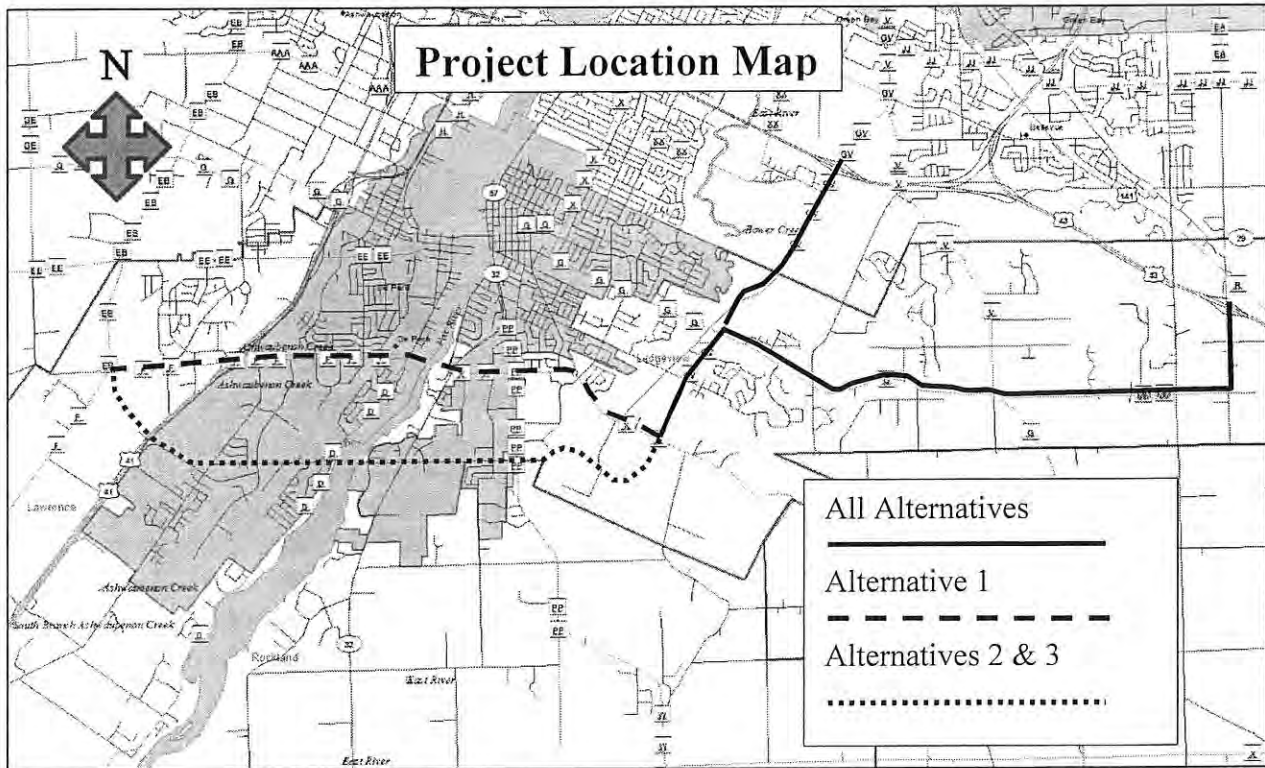
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T22N-R20E, and Lawrence T22/23N-R19/20E, the village of Bellevue T23N-R20/21N, and in the city of De Pere in Brown County. Refer to the Project Location Map on page 2. The project would require the fee-simple<sup>2</sup> acquisition of 11.8 to 40.8 acres from 54 to 66 farmland owners depending on which alternative is chosen. Brown County anticipates acquiring the needed land between 2013 and 2020, and construction is also expected to occur between 2013 and 2020. The bridge over the Fox River would be the last portion of the project to be constructed.

<sup>2</sup>A fee-simple acquisition means that the buyer purchases exclusive rights to the property. This is in contrast to an easement where a buyer purchases partial rights to property.

Many of the affected roadways in this project are identified by more than one name. The following is a list of affected highways in the project area and their associated names.

- CTH “EB” = Packerland Drive
- CTH “F” = Scheuring Road
- CTH “G” = Dickinson Road
- CTH “GV” = Monroe Road
- CTH “MM” = Dutchman Road
- CTH “PP” = Broadway
- CTH “X” = Heritage Road

Brown County is proposing to reconstruct CTH “MM” from IH 43 to CTH “G” as a two-lane street with a center turn lane. From CTH “MM” to CTH “GV,” CTH “G” will also be reconstructed as a two-lane street with a center turn lane. This

reconstructed roadway will include on-street bicycle lanes, as well as a parallel multiuse path. This will match the existing cross section of CTH "G" west of its intersection with CTH "GV." The right-of-way for these streets is expected to be 100 feet wide. Roundabouts will be constructed at major intersections.

The three alternatives that include a new crossing of the Fox River would follow existing highway alignments and new right-of-way. Each alternative would be constructed as a four-lane divided arterial and have on-street bicycle lanes and a parallel 8-foot wide multiuse path.

Roundabouts would be constructed at major intersections except at USH 41. At minor intersections where there is enough room, the roadway would have positive-offset left turning bays. Right-of-way for this portion of the project is expected to be 120 feet wide, but could be as wide as 150 feet at some locations.

At the intersection of CTH "G" and CTH "X," Alternative 1 turns west to follow CTH "X" and then crosses the Fox River. West of the river it connects along CTH "F" through the U.S. Highway (USH) 41 interchange until it reaches CTH "EB." Except for the interchange at USH 41, all of the access along this alternative would be at-grade.

Alternatives 2 and 3 follow the same route. However, there is an interchange where Alternative 2 intersects USH 41, but there would be a grade separation where Alternative 3 intersects USH 41.

At the intersection of CTH "GV" and CTH "X", Alternatives 2 and 3 proceed toward the southwest on new alignment. They then join Rockland Road at its intersection with CTH "PP." Both alternatives follow Rockland Road to the west and then cross the Fox River. West of the river they connect to Red Maple Road. They continue west along Red Maple Road and Southbridge Road, cross USH 41, and then continue along a new alignment to CTH "EB."

The new roadway will be likely renamed, but that name has not yet been determined.

### **Existing Highways**

Most of the existing highways where the right-of-way would be incorporated into the proposed roadway are two-lane rural county highways. The existing right-of-way on the affected segments ranges from 70 to 100 feet wide.

### **Project Need**

The EIS Lead Agencies have indicated that the proposed project is needed to improve the capacity and mobility for highway users. It will improve access to the area for existing and planned development.

### **Alternatives that have been Rejected**

The EIS Lead Agencies have considered and rejected the following alternatives.

#### No build:

Under this alternative, no changes would be made to any of the existing roadways except

for routine maintenance. In addition, no new Fox River crossing would be constructed. The EIS Lead Agencies rejected this alternative because it would not improve safety, capacity, or mobility.

Alternative 5a/6a Hybrid USH 41 to Old Martin Road Arterial Street with a USH 41 Interchange:

This alternative begins at STH 172 and follows CTH "GV" to CTH "X." It continues to the southwest on new alignment until it reaches the Old Martin Road and CTH "PP" intersection. It then continues along Old Martin Road, crosses the Fox River, and then follows new alignment across USH 41 on an interchange. It continues on new alignment to STH "F." The proposed improvements to CTH "MM" and CTH "G" are also included in this alternative. The EIS Lead Agencies rejected this alternative because of the relatively high social and environmental impacts, and negative feedback from the local governments and the general public.

Other alternatives:

Other alternatives were considered and rejected before detailed analysis was done for the draft Environments Impact Statement.

### **III. AGRICULTURAL SETTING**

Agriculture's contribution to the Brown County<sup>3</sup> economy is significant according to

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<sup>3</sup> *Brown County Agriculture: Value and Economic Impact*, University of Wisconsin-Extension, Cooperative Extension, 2011, <http://www.uwex.edu/ces/ag/wisag/>

a 2011 report prepared by the University of Wisconsin-Extension. Researchers estimated that agriculture provides jobs for 21,038 people in Brown County, which represent 12 percent of the county's 180,690-member workforce. Agriculture accounts for \$5.7 billion in business sales or 20 percent of Brown County's total business sales. Every dollar of sales from agricultural products generates an additional \$0.62 of business sales in other parts of Brown County's economy. Agriculture also contributes \$1.6 billion to county income, about 12 percent of Brown County's total income. Brown County agriculture pays almost \$139 million in taxes. This does not include property taxes for local school districts.

#### **Agricultural Productivity**

In 2010, Brown County ranked sixth out of Wisconsin's 72 counties in the production of milk, ninth in corn for silage, and eleventh in winter wheat.<sup>4</sup> In that same year, farmers in the county harvested 35,200 acres of corn for grain, 27,100 acres of corn for silage, 26,300 acres of alfalfa hay, 18,700 acres of soybeans, and 10,500 acres of winter wheat. They also raised 105,000 head of cattle and calves.

Fifteen years earlier, Brown County farmers harvested 71,400 acres of alfalfa hay, 43,200 acres of corn for grain, 15,200 acres of corn

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<sup>4</sup> *Wisconsin 2011 Agricultural Statistics*, Wisconsin Agricultural Statistics Service, National Agricultural Statistics Service USDA, Wisconsin Department of Agriculture, Trade and Consumer Protection, 2011, pp. 18 through 54.

for silage, 9,000 acres of soybeans, and 4,300 acres of winter wheat. They also raised 88,000 head of cattle and calves.

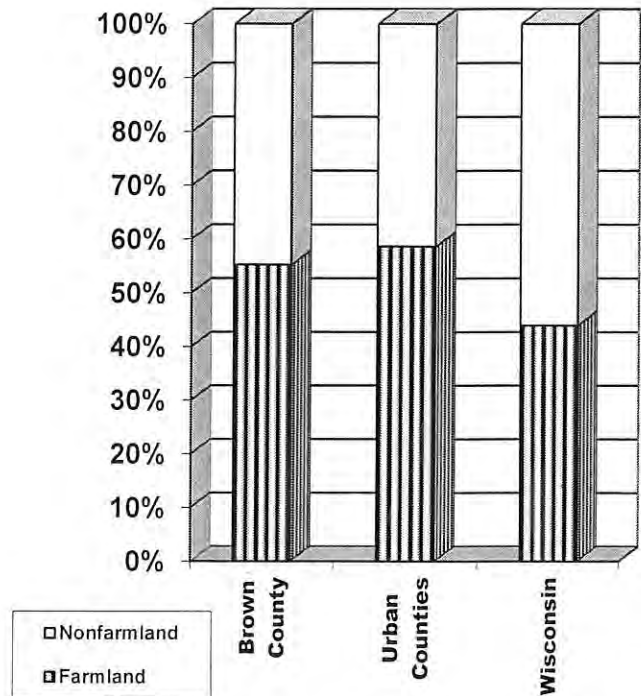
**Land in Farms, Number of Farms, and Average Size of Farms**

Brown County is classified as an urban county, which is defined as having an average of 100 or more residents per square mile. According to the *2007 Census of Agriculture*, Brown County has 187,167 acres of land in farms,<sup>5</sup> which represents 55.3 percent of the total land area. The average for urban counties is 196,635 acres of land in farms or 58.7 percent of the total county land area. These can be compared to the average of 213,955 acres or 44.0 percent of land in farms among all Wisconsin counties. Refer to Chart 1 for a graphic comparison of the percentage of land in farms in Brown County, urban counties, and Wisconsin.

According to the *Census of Agriculture*, Brown County lost 48 farms (a 4.4 percent decrease) between 1992 and 2007 as the total number dropped from 1,101 to 1,053. Wisconsin as a whole gained 10,504 farms (a 15.5 percent increase) as the total number of farms in the state rose from 67,959 to 78,463 during the same period. The amount of land in farms decreased from 205,363 to 187,167 acres (an 8.9 percent loss) in Brown County. In Wisconsin as a whole, the

<sup>5</sup>Land in farms consists primarily of agricultural land used for crops, pasture, or grazing. It also includes woodland and wasteland not actually under cultivation or used for pasture or grazing, providing it was part of the farm operator's total operation.

**Chart 1  
Land in Farms, 2007**



amount of land in farms declined from 15.5 to 15.2 million acres (a 1.8 percent loss) during this fifteen-year period. The average size of farms fell from 187 to 178 acres in Brown County and from 228 to 194 acres in Wisconsin as a whole.

**Size Distribution of Farms**

Table 1 shows the percentage of farms in each size category for Brown County, urban counties, and all Wisconsin counties.<sup>6</sup> Proportionately, Brown County has more

<sup>6</sup>2007 *Census of Agriculture*, U.S. Department of Agriculture, Wisconsin Agricultural Statistics, 2009.

farms that are either smaller than 50 acres in size or between 180 and 500 acres in size compared to the averages for urban counties. It has proportionately more farms that are smaller than 50 acres in size compared to the averages for all Wisconsin counties.

**Table 1  
Percent of Farms per Size Category**

Acres per Farm	% of Brown County Farms	% of Urban County Farms	% of all Wisconsin Farms
0-49	44.0%	41.0%	31.6%
50-179	28.3%	33.0%	37.9%
180-500	20.9%	18.4%	22.7%
More than 500	6.8%	7.6%	7.8%

### Property Taxes and Values

Table 2 lists the average property tax, assessed value, and sale price per acre of agricultural land in Brown County, urban counties, and all Wisconsin counties. The assessed values and property taxes are based on the “use value” of agricultural land. Wisconsin Statutes define agricultural land as “land, exclusive of buildings and improvements, that is devoted primarily to agricultural use.” In 2010/11, average property taxes<sup>7</sup> on Brown County agricultural land were 8.5 percent lower than the average for urban counties and 1.8

<sup>7</sup>Wisconsin Department of Revenue, Division of Research and Policy, Sales and Property Tax Policy Team.

percent higher than the average for all counties

**Table 2  
Farmland Taxes and Values**

	2010/11 Dollars per Acre of Farmland		
	Average Tax	Assessed Value	Sale Value
Brown County	\$3.44	\$195	\$6,302
Urban Counties	3.76	221	5,901
All Counties	3.38	188	4,028

On average, the assessed value<sup>8</sup> of farmland in Brown County was 11.8 percent lower than the average for all urban counties and 3.7 percent higher than the average for all Wisconsin counties.

The average sale price<sup>9</sup> of farmland in Brown County was 6.8 percent higher than the average for urban counties and 51.4 percent higher than the average for all counties. These values do not include farmland sold and converted to nonfarm use.

### Soils

Soils found in the largest quantities on each of the project segments are listed and described below.<sup>10</sup> Between IH 43 and CTH

<sup>8</sup> Ibid.

<sup>9</sup> *Wisconsin 2011 Agricultural Statistics*, Wisconsin Agricultural Statistics Service, National Agricultural Statistics Service USDA, Wisconsin Department of Agriculture, Trade and Consumer Protection, 2011, pp. 10 and 11.

<sup>10</sup><http://websoilsurvey.nrcs.usda.gov/app/> Web Soil Survey and *Soil Survey of Brown County*, USDA Soil Conservation Service in cooperation with the Wisconsin Agricultural Experiment Station, June

“GV,” soils on the segment that follows CTH “MM” and CTH “G” include Kewaunee silt loam, Manawa silty clay loam, and Kolberg silt loam.

The segment along CTH “GV” from STH 172 to CTH “X” has Tedrow loamy fine sand with 0 to 3 percent slopes, Kibbie silt loam with 1 to 3 percent slopes, and Oshkosh silt loam. The soils found in the largest quantities along Alternative 1 starting at the intersection of CTH “X” and CTH “G” and heading west are Oshkosh silt loam and Bellevue silt loam.

On Alternatives 2 and 3 starting at the intersection of CTH “X” and CTH “G” and continuing to the west, the soils found in the largest quantities include Oshkosh silt loam and Oshkosh silty clay loam.

Bellevue silt loam is deep and moderately well drained. It is found on flood plains. The slopes range from 0 to 2 percent. Available water capacity is high and permeability is slow. Natural fertility and the organic-matter content are medium. Runoff is slow. Stream overflow during spring runoff or following heavy rainfall is the main hazard to crops.

This soil is well suited to all of the crops commonly grown in the county where it is protected from overflow. It is classified as prime farmland where it is protected from flooding. Refer to Appendix V for a definition of prime farmland. This soil is included in capability class IIw-11. Refer to Appendix VI for descriptions of capability

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1974, 13-46.

classes.

Kewaunee silt loam is deep and well drained to moderately well drained. It is found on glacial till plains. Slopes range from 2 to 30 percent. Available water capacity is high and permeability is slow. Natural fertility is high and organic-matter content is low. Where the slopes are 2 to 6 percent, this soil is classified as prime farmland and it is included in capability class IIe-6.

In some areas where the slopes are 2 to 6 percent, this soil is eroded and the plow layer has been mixed with the underlying subsoil. Where the slopes are 6 to 12 percent, this soil is eroded and it is included in capability class IIIe-6.

Kibbie silt loam with 1 to 3 percent slopes is deep and somewhat poorly drained. It is found on glacial lake plains. Available water capacity is medium and permeability is moderately slow. Natural fertility is medium and organic-matter content is high. Runoff is slow.

Wetness is the main limitation to the use of this soil for crops. This soil is classified as prime farmland where drained and it is included in capability class IIw-2.

Kolberg silt loam is moderately deep and well drained soil. It is found on glacial till plains. Available water capacity is medium and permeability is moderately slow. Natural fertility is high and organic-matter content is low. Runoff is medium.

Erosion is the main hazard to this soil where it is cultivated. This soil is well suited to all



of the crops commonly grown in the county. Where the slopes are 6 percent or less, this soil is classified as prime farmland and it is included in capability class IIe-2.

Manawa silty clay loam is deep and somewhat poorly drained. It is found in drainageways and shallow depressions on lacustrine and glacial till plains. The slopes are 1 to 3 percent. Available water capacity is high and permeability is slow. Natural fertility and organic-matter content are high.

Runoff is slow and wetness is the main hazard to the use of this soil for crops. It is classified as prime farmland where drained and it is included in capability class IIw-2.

Oshkosh soils are deep and well drained to moderately well drained. They are found on old glacial lake basins. Available water capacity is medium and permeability is slow. Natural fertility is high and organic-matter content is low.

Runoff is slow. Oshkosh silt loam and Oshkosh silty clay loam are classified as prime farmland where their slopes are 6 percent or less. They are included in capability class IIs-7 where their slopes are 0 to 2 percent and in capability class IIe-6 where their slopes are 2 to 6 percent.

Tedrow loamy fine sand with 0 to 3 percent slopes is deep and somewhat poorly drained soil that is found on sandy lacustrine and outwash plains. Available water capacity is low and permeability is rapid. Natural fertility and organic-matter content are low. Runoff is slow and wetness is the main hazard to crops. This soil is included in

capability class IVw-5.

### **Farmland Preservation**

The Brown County Farmland Preservation Plan was certified in 1985. The plan identifies farmland preservation areas in the county and provides tax credit eligibility to farmers who wish to participate in the Farmland Preservation program.

The state of Wisconsin is currently transitioning from the old Farmland Preservation Program to the Working Lands Initiative that was included in the 2009/2011 state budget. As part of the transition, all 70 counties with Farmland Preservation Plans are required to update those plans within the next few years. The new initiative increases tax credits for farmland owners whose land is in the program.

The towns of Ledgeview, Rockland, and Lawrence, and the village of Bellevue have each adopted their own exclusive agricultural zoning ordinance. Under the Working Lands Initiative, landowners can receive \$7.50 per acre in tax credits on land zoned for exclusive agricultural use.

Farmland owners with land zoned for exclusive agricultural use or land covered by an agreement signed before the Working Lands Initiative do not have to pay back any of the tax credits they have received through the program on land that would be acquired for this project. However, the loss of any farmland enrolled in the federal government's various commodity programs could affect a farmer's base acreage resulting in lower revenue from these

programs.

#### IV. AGRICULTURAL IMPACTS

An Agricultural Impact Statement (AIS) is required by law when more than 5 acres from any farm operation will be acquired for a public project. Thirty days after the publication date of the AIS, the purchasing agency may begin negotiating with the affected farmland owners.

The following table lists the farmland owners who will be affected by the proposed project and the amount of land to be acquired from each of them.

**Table 3  
Proposed Acquisitions of Farmland**

Farmland Owners	Acres to be Acquired		
	Alt 1	Alt 2	Alt 3
Harold & Arleen Vanden Heuvel	1.3	1.3	1.3
John & Jennifer Krawczyk	0.0	2.6	2.6
David Minten	0.0	1.8	0.0
Kenneth Donarski	0.0	1.8	1.8
Robert & Barbara Whitcomb	0.0	1.3	1.3
James & Julie Becker	0.0	7.4	7.4
JPT Gilson LLC	0.0	11.1	11.1
Dennis Lotto	2.6	2.6	2.6
52 to 58 acquisitions each one acre or less	7.9	10.9	10.8
<b>TOTALS</b>	<b>11.8</b>	<b>40.8</b>	<b>38.9</b>

DATCP attempted to contact each of the farmland owners via phone or mail who

would lose more than one acre of land as a result of the proposed project. Their responses are summarized below.

**Farmland Owners:** Harold and Arleen Vanden Heuvel

**Proposed Acquisition:** Fee-simple acquisition of 1.3 acres for each of the three alternatives

Mr. and Mrs. Vanden Heuvel indicated that they have many questions about the proposed project. In addition, they do not farm their land themselves. Therefore, they are not able to identify all of the impacts this project could have on the farmland. They did indicate that Alternative 3 with no direct access to USH 41 would probably be the least desirable of the alternatives.

**Farmland Owners:** John and Jennifer Krawczyk

**Proposed Acquisition:** Fee-simple acquisition of 2.6 acres for Alternative 2 or 3

This parcel is located northwest of USH 41. It is an 80-acre parcel that includes 50 acres of cropland and 20 acres of woodland.

John Krawczyk is concerned that the amount of land needed for the proposed project is likely to be much greater than the 2.6 acres identified in the Draft EIS document. He indicated that the drawing he has seen shows the new roadway running the length of his 80-acre parcel.

Mr. Krawczyk indicated that he has an airstrip on this property that will be made unusable by the project. He is also

concerned about the significant devaluation of his remaining property by this project due to the loss of land and the proximity of a four-lane highway. He indicated that the project would affect a 2.5-acre pond and a creek in addition to cropland.

The project would also affect at least one building on the Krawczyks' property, most likely their home. Because of the potential displacement impacts of the proposed project, the acquiring agency (Brown County) will be required to file a relocation service assistance plan in accordance with §32.25, *Wisconsin Statutes*.<sup>11</sup>

**Farmland Owner:** Kenneth Donarski  
**Proposed Acquisition:** Fee-simple acquisition of 1.8 acres for Alternatives 2 or 3

Mr. Donarski owns 12 acres of land including 8 acres of cropland. He indicated that he is not a farmer and that he is not currently renting out his farmland.

Mr. Donarski did not identify any concerns that he has about the proposed project.

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<sup>11</sup>For more information, contact the Relocation Unit, Bureau of Planning and Technical Assistance, Wisconsin Department of Administration, P.O. Box 7868, Madison WI 53707-7868, or call (608) 267-317.

**Farm Owners/Operators:** James and Julie Becker

**Proposed Acquisition:** Fee-simple acquisition of 7.4 acres for Alternatives 2 or 3

This acquisition is located on new highway alignment between CTH "GV" and Rockland Road.

The East River currently divides this property and Alternative 2 or 3 would further divide this land. The proposed project would leave parcels of 90.9 acres and 34.5 acres east of the river, and 2.7 acres and 8.0 acres west of the river. James Becker is very concerned about the new roadway cutting through the heart of his farm. Brown County has indicated that he will continue to have access to all of the remaining parcels. However, the difficulty of crossing a four-lane highway where there was previously no road will affect the efficiency and safety of this operation and may make it too difficult to farm.

The Beckers have a dairy operation and they grow corn, hay, and soybeans.

The proposed project will also affect fencing on the Beckers' property.

**Farm Owner/Operator:** Dennis Lotto  
**Proposed Acquisition:** Fee-simple acquisition of 2.6 acres for all of the build alternatives

This farm is located where CTH "MM" makes a 90° turn. Brown County is proposing to reduce the angle of this curve to improve safety at this location.

Mr. Lotto is a dairy farmer and he grows corn, hay, soybeans, wheat, and oats.

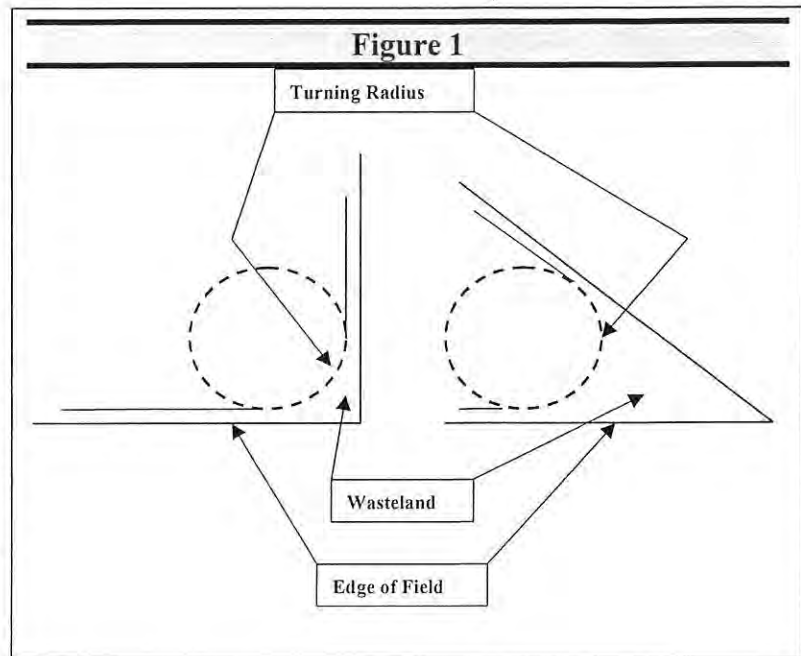
The proposed alignment change will sever this property leaving 6.5 acres between the old and new alignments. This land is currently used for pasture. Mr. Lotto will continue to have access to all of his remaining property. However, he indicated that he would no longer be able to use it for pasture because of the difficulty of moving cattle across the road. Fencing on this land will also be affected.

Mr. Lotto is also concerned that the proposed roadway will be closer to his home, which will lower its aesthetic value.

### Access

Adjacent landowners will continue to have direct access between their property and the expanded roadways within the proposed project limits. Brown County **has indicated that direct access** to severed parcels will also be permitted.

Where farm parcels are severed by the proposed project, farmers will likely face increased difficulty crossing the new or expanded roadway with machinery. Brown County has indicated that crossovers will be constructed in the median of the four-lane segment of the project to help farmer move between their parcels more easily.



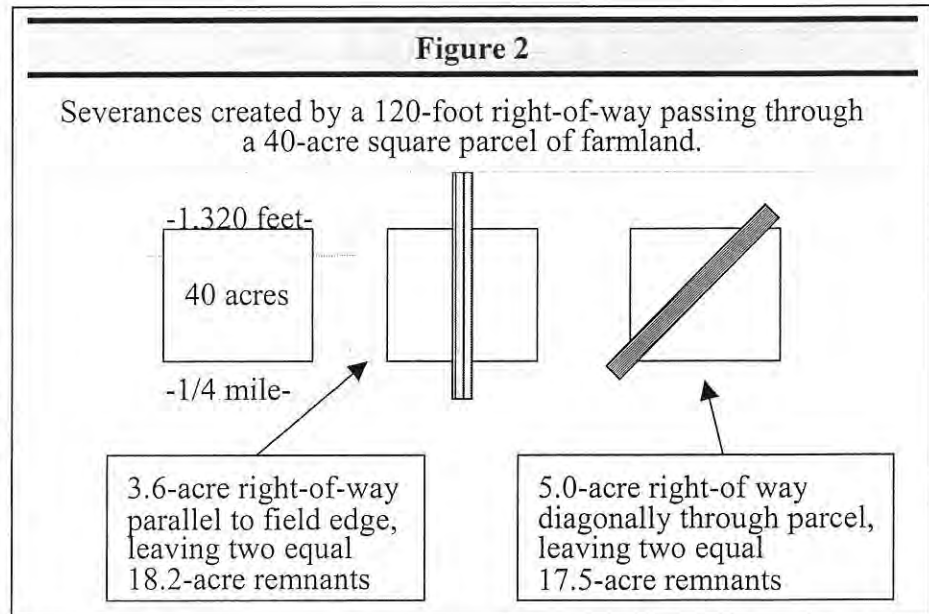
### Severances

The proposed project will sever the property of three separate farmland owners. The project will sever 6.5 acres of the Dennis Lotto property where CTH “MM” currently makes a 90 degree turn. Under Alternatives 2 and 3, the new roadway between CTH “GV” and Rockland Road will sever the JPT Gilson LLC property into three parcels of 12.6, 56.5, and 11.3 acres, and the James and Julie Becker property into four parcels of 2.7, 8.4, 90.9, and 34.5 acres.

Acquisitions that sever farmland frequently create irregularly shaped fields, making equipment usage awkward and production more costly. This increased cost is due in part to the additional time, fuel, and equipment wear associated with maneuvering equipment in corners of fields that are not square or along sides of fields that are not straight. Nonproductive time

and labor costs associated with the frequent working of these fields may reduce the possibility of generating profits on these parcels. In addition, when fields are made smaller, an increased proportion of wasteland is created along the edges and in narrow corners of the fields reducing their productive capacity. Figure 1 shows the increased amount of wasteland in a field that can be created by narrowed corners. Compensation for the reduction in the value of parcels that are small and/or irregularly shaped will be addressed in the appraisal of each affected parcel.

The proposed project will create a barrier on farms with land on both sides of the highway. Farmland that is now contiguous and easily accessible from one area to another will be divided. If access to the highway is not provided in efficient locations, farmers with land on both sides of the highway, whether owned or rented, may have to drive their machinery longer distances and use side roads between parcels. This will increase the time spent and cost of cropping these parcels. Refer to the discussion on access for additional information about this issue. Figure 2 shows examples of the impacts on a 40-acre parcel that is severed by a 120-foot right-of-way.



Where pastures are severed, a remnant parcel that does not have water or shelter may become unusable for pasture. Pasturing livestock on this remnant parcel and then transporting them to shelter and water or providing shelter and water on the remnant would likely be cost prohibitive and inconvenient.

### Drainage

The proposed project is not located within any drainage districts. The East River crosses the James and Julie Becker property and a creek and pond are located on the John and Jennifer Krawczyk property.

Proper field drainage is vital to a successful farm operation. Highway construction can disrupt improvements such as drainage tiling, grassed waterways, ditches, and culverts, which regulate the drainage of farm fields. In addition, construction of impervious surfaces can impede drainage

and increase runoff. If drainage is impaired, water can settle in fields and cause substantial damage, such as harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. Where salt is used on road surfaces, runoff water can increase the content of salt in nearby soils.

Section 88.87 of the *Wisconsin Statutes* requires highways to be built with adequate ditches, culverts, and other facilities to prevent obstruction of drainage, protect property owners from damage to lands caused by unreasonable diversion or retention of surface water, and maintain, as nearly as possible, the original drainage flow patterns. Refer to Appendix IV for the statutes pertaining to drainage rights. Landowners whose property is damaged by improper construction or maintenance of highway facilities and highway drainage structures may file a claim with WisDOT within three years after the damage occurs.

### **Fencing**

Fencing will be affected on the Lotto property. If Alternative 2 or 3 is selected, fencing will also be affected on the Becker property.

Compensation for fencing within the acquired right-of-way will be included in the appraisal. If fencing or other improvements are damaged outside of the right-of-way, the owner would receive damages, or the improvement will be repaired or replaced to a condition similar or equal to that existing before the damage was done.

### **Secondary Development**

Changes to the local road system may make the land in the vicinity of the project more appealing for residential and commercial developers. It can be argued that new development is encouraged along connecting transportation corridors because of improved accessibility. Smaller parcels and busier roads may also make land less appealing to farmers. This induced conversion of productive agricultural land to nonfarm use may result in increased property taxes stemming from rising land values and the extension of local services to new areas. Local governments can use zoning and other measures to control this development.

Brown County has indicated that the comprehensive plans of the towns of Ledgeview, Rockland, and Lawrence have identified much of the land affected by this project as planned development areas in the next 20 years.

### **Appraisal Process**

Brown County will provide an appraisal of the affected property to the landowners. This will be the basis for their offer. Landowners have the right to obtain their own appraisal of their property. They will be compensated for the cost of this appraisal if the following conditions are met.

1. The appraisal must be submitted to Brown County within 60 days after the landowner receives the County's appraisal.
2. The appraisal fee must be reasonable.

3. The appraisal must be complete.

The amount of compensation is based on the appraisal(s) and is established during the negotiation process between Brown County and the individual landowner. An appraisal is an estimate of fair market value. Brown County is required to provide landowners with information about their rights in this process before negotiations begin.<sup>12</sup>

## **V. RECOMMENDATIONS**

The DATCP recommends the following as ways to mitigate the potential adverse impacts associated with the proposed project:

1. Of the three build alternatives, Alternative 1 is the agriculturally preferred alternative because it would affect the least amount of farmland and it would create the fewest severed parcels.
2. Brown County should consult with landowners where access is altered to ensure that farmland remains accessible by farm machinery.
3. Brown County should consult with farmland owners about the locations of new access points and median crossovers so that they are placed in efficient and safe locations for farm use.

4. Farmers should be allowed to continue working land that is acquired for highway right-of-way until it is needed for roadway construction as long as there is adequate time for crops to mature and be harvested.
5. In order to address potential drainage problems that may occur as a result of the project, project officials should discuss design and construction plans with the Brown County conservationist during the design process for this project.
6. The county conservationist should be consulted to ensure that construction proceeds in a manner that minimizes crop damage, soil compaction, and soil erosion on adjacent farmland.
7. Farmland owners and operators should be given advanced notice of acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the acquisition and construction should be coordinated with them to minimize crop damage and disruption of farm operations.

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<sup>12</sup>For more information, contact the Relocation Unit, Bureau of Planning and Technical Assistance, Wisconsin Department of Administration, P.O. Box 7868, Madison WI 53707-7868, or call (608)267-0317.

## **APPENDICES**

The information provided in this section summarizes and is an interpretation of some of the statutes associated with the acquisition of farmland for public projects. It serves as a reference and should not be considered an exhaustive summary of the statutes or your rights. It is not a substitute for legal advice. In the event of any conflict between the information summarized below and the statutes, the statutes are controlling.



## **Appendix I: Agricultural Impact Statements**

*The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is required to prepare an Agricultural Impact Statement (AIS) whenever more than five acres of land from at least one farm operation will be acquired for a public project if the agency acquiring the land has the authority to use eminent domain for the acquisition(s). The DATCP has the option to prepare an AIS for projects affecting five or fewer acres from each farm. An AIS would be prepared in such a case if the proposed project would have significant effects on a farm operation. The agency proposing the acquisition(s) is required to provide the DATCP with the details of the project and acquisition(s). After receiving the needed information, DATCP has 60 days to analyze the project's effects on farm operations, make recommendations about it and publish the AIS. DATCP will provide copies of the AIS to affected farmland owners, various state and local officials, local media and libraries, and any other individual or group who requests a copy. Thirty days after the date of publication, the proposing agency may begin negotiating with the landowner(s) for the property.*

### **Section 32.035 of the Wisconsin Statutes: Agricultural impact statement.**

(1) Definitions. In this section:

(a) "Department" means department of agriculture, trade and consumer protection.

(b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (1), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(2) EXCEPTION. This section shall not apply if an environmental impact statement under s. 1.11 is prepared for the proposed project and if the department submits the information required under this section as part of such statement or if the condemnation is for an easement for the purpose of constructing or operating an electric transmission line, except a high voltage transmission line as defined in s. 196.491(1)(f).

(3) PROCEDURE. The condemnor shall notify the department of any project involving the actual or potential exercise of the powers of eminent domain affecting a farm operation. If the condemnor is the department of natural resources, the notice required by this subsection shall be given at the time that permission of the senate and assembly committees on natural resources is sought under s. 23.09(2)(d) or 27.01(2)(a). To prepare an agricultural impact statement under this section, the department may require the condemnor to compile and submit information about an affected farm operation. The department shall charge the condemnor a fee approximating the actual costs of preparing the statement. The department may not publish the statement if the fee is not paid.

(4) IMPACT STATEMENT. (a) When an impact statement is required; permitted. The department shall prepare an agricultural impact statement for each project, except a project under

ch. 81 or a project located entirely within the boundaries of a city or village, if the project involves the actual or potential exercise of the powers of eminent domain and if any interest in more than 5 acres from any farm operation may be taken. The department may prepare an agricultural impact statement on a project located entirely within the boundaries of a city or village or involving any interest in 5 or fewer acres of any farm operation if the condemnation would have a significant effect on any farm operation as a whole.

(b) *Contents.* The agricultural impact statement shall include:

1. A list of the acreage and description of all land lost to agricultural production and all other land with reduced productive capacity, whether or not the land is taken.
2. The department's analyses, conclusions and recommendations concerning the agricultural impact of the project.

(c) *Preparation time; publication.* The department shall prepare the impact statement within 60 days of receiving the information requested from the condemnor under sub. (3). The department shall publish the statement upon receipt of the fee required under sub. (3).

(d) *Waiting period.* The condemnor may not negotiate with an owner or make a jurisdictional offer under this subchapter until 30 days after the impact statement is published.

(5) **PUBLICATION.** Upon completing the impact statement, the department shall distribute the impact statement to the following:

- (a) The governor's office.
- (b) The senate and assembly committees on agriculture and transportation.
- (c) All local and regional units of government which have jurisdiction over the area affected by the project. The department shall request that each unit post the statement at the place normally used for public notice.
- (d) Local and regional news media in the area affected.
- (e) Public libraries in the area affected.
- (f) Any individual, group, club or committee which has demonstrated an interest and has requested receipt of such information.
- (g) The condemnor.

## **Appendix II: Eminent Domain**

*Fair compensation for a partial taking of property under eminent domain is the larger of two figures: (1) the fair market value of the acquired property or (2) the fair market value of the entire parcel before the acquisition minus the fair market value of the remaining parcel.*

*Compensation will be paid for the land acquired, any improvements acquired (structures, fencing, etc.), loss of access, loss of a use of this property, and damages resulting from severance of the property (including land and improvements). The condemnor may provide compensation for increased travel distances.*

*In addition to other compensation, a condemnor is required to make a payment of \$50,000 or less to any displaced farm or business owner who has owned the property for at least one year and who purchases a comparable replacement farm or business within two years of the acquisition. The amount of this payment would include any additional amount of money needed to equal the reasonable cost of a replacement farm or business, any increased interest or debt service charges, and closing costs. Displaced renters may also receive compensation if they rent or lease a comparable replacement farm or business within two years of the acquisition. If the displaced tenant rents or leases a comparable farm or business, the payment would include the amount needed to rent the replacement property for four years. This payment would not exceed \$30,000. If the renter decides to purchase a comparable farm or business, the payment would be equal to the rental or lease of that property for four years plus closing fees.*

*If a project would displace any person, business, or farm operation, the condemnor must file and have approved a written relocation payment plan and a relocation assistance service plan with the Department of Commerce. The condemnor must determine the relocation payment, assist displaced persons, businesses and farm operations to find comparable replacement properties, provide information about any government assistance to displaced persons, and coordinate the displacement with other project activities in a timely manner to avoid causing hardship*

### **Section 32.09 of the *Wisconsin Statutes* describes the compensation provided for property acquisition and certain damages:**

(6) In the case of a partial taking of property other than an easement, the compensation to be paid by the condemnor shall be the greater of either the fair market value of the property taken as of the date of evaluation or the sum determined by deducting from the fair market value of the whole property immediately before the date of evaluation, the fair market value of the remainder immediately after the date of evaluation, assuming the completion of the public improvement and giving effect, without allowance of offset for general benefits, and without restriction because of enumeration but without duplication, to the following items of loss or damage to the property where shown to exist:

- (a) Loss of land including improvements and fixtures actually taken.
- (b) Deprivation or restriction of existing right of access to highway from abutting land, provided that nothing herein shall operate to restrict the power of the state or any of its subdivisions or any municipality to deprive or restrict such access without compensation under any duly authorized exercise of the police power.
- (c) Loss of air rights.
- (d) Loss of a legal nonconforming use.
- (e) Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on condemnee's land. In determining severance damages under this paragraph, the condemnor may consider damages which may arise during construction of the public improvement, including damages from noise, dirt, temporary interference with vehicular or pedestrian access to the property and limitations on use of the property. The condemnor may also consider costs of extra travel made necessary by the public improvement based on the increased distance after construction of the public improvement necessary to reach any point on the property from any other point on the property.
- (f) Damages to property abutting on a highway right-of-way due to change of grade where accompanied by a taking of land.
- (g) Cost of fencing reasonably necessary to separate land taken from remainder of condemnee's land, less the amount allowed for fencing taken under par. (a), but no such damage shall be allowed where the public improvement includes fencing of right of way without cost to abutting lands.

**Section 32.19 of the *Wisconsin Statutes* outlines payments to be made to displaced tenant-occupied businesses and farm operations.**

**(4m) BUSINESS OR FARM REPLACEMENT PAYMENT.** (a) *Owner-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, not to exceed \$50,000, to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within two years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may not exceed the amount the owner displaced person is eligible to receive under this paragraph. The additional payment under this paragraph

shall include the following amounts:

1. The amount, if any, which when added to the acquisition cost of the property, other than any dwelling on the property, equals the reasonable cost of a comparable replacement business or farm operation for the acquired property, as determined by the condemnor.

2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisitions of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of commerce.

3. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement property, but not including prepaid expenses.

(b) *Tenant-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce, and who actually rents or purchases a comparable replacement business or farm operation within 2 years after the date the person vacates the property. At the option of the tenant displaced person, such payment shall be either:

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce and the monthly rent of a comparable replacement business or farm operation and multiply the difference by 48; or

2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

(5) EMINENT DOMAIN. Nothing in this section or ss. 32.25 to 32.27 shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages.

**Section 32.25 of the Wisconsin Statutes delineates steps to be followed when displacing persons, businesses, and farm operations.**

(1) Except as provided under sub.(3) and s. 85.09 (4m), no condemnor may proceed with any activity that may involve the displacement of persons, business concerns or farm operations

until the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of commerce.

(2) The relocation assistance service plan shall contain evidence that the condemnor has taken reasonable and appropriate steps to:

(a) Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.

(b) Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.

(c) Assist displaced owners or renters in the location of comparable dwellings.

(d) Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.

(e) Assist in minimizing hardships to displaced persons in adjusting to relocation.

(f) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the implementation of the relocation program.

(g) Determine the approximate number of persons, farms or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.

(h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of commerce for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

(i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.

(3)(a) Subsection (1) does not apply to any of the following activities engaged in by a condemnor:

1. Obtaining an appraisal of property.

2. Obtaining an option to purchase property, regardless of whether the option specifies the purchase price, if the property is not part of a program or project receiving federal financial assistance.

### **Appendix III: Access**

*WisDOT must reconstruct any entrance to property abutting a highway if there is a change in the highway alignment affecting that entrance. If a new highway severs property, WisDOT must provide an entrance to both parcels of land. The landowner is responsible for the maintenance of these access points after construction is completed.*

*WisDOT has the authority to limit the number of access points to and from rural segments of the state trunk system serving more than 2,000 vehicles per day. Access to a road or private property may be taken away if WisDOT determines a need for access control. A controlled-access highway is one where the entrance to and departure from the highway is limited. Access controls can be placed on a new or existing highway and WisDOT can limit access by providing a grade separation, service roads or closing access to an intersecting road. Additional access to a controlled-access highway will not be provided without WisDOT's written permission. When a controlled-access highway severs a parcel, WisDOT may provide a crossover point for the owner to travel between the severed parcels. The access in these cases is removed when the parcels are no longer owned by the same party.*

**Section 86.05 of the *Wisconsin Statutes* states that access shall be provided to land which abuts a highway:**

Entrances to highway restored. Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements, and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter, each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

**Section 84.25 of the *Wisconsin Statutes* describes access restrictions concerning a controlled-access highway:**

(3) CONSTRUCTION; OTHER POWERS OF DEPARTMENT. In order to provide for the public safety, convenience and the general welfare, the department may use an existing highway or provide new and additional facilities for a controlled-access highway and so design the same and its appurtenances, and so regulate, restrict or prohibit access to or departure from it as the department deems necessary or desirable. The department may eliminate intersections at grade of controlled-access highways with existing highways or streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such

controlled-access highway and may divide and separate any controlled-access highway into separate roadways or lanes by raised curbing, dividing sections or other physical separations or by signs, markers, stripes or other suitable devices, and may execute any construction necessary in the development of a controlled-access highway including service roads or separation of grade structures.

(4) **CONNECTIONS BY OTHER HIGHWAYS.** After the establishment of any controlled-access highway, no street or highway or private driveway, shall be opened into or connected with any controlled-access highway without the previous consent and approval of the department in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given.

(5) **USE OF HIGHWAY.** No person shall have any right of entrance upon or departure from or travel across any controlled-access highway, or to or from abutting lands except at places designated and provided for such purposes, and on such terms and conditions as may be specified from time to time by the department.

(6) **ABUTTING OWNERS.** After the designation of a controlled-access highway, the owners or occupants of abutting lands shall have no right or easement of access, by reason of the fact that their property abuts on the controlled-access highway or for other reason, except only the controlled right of access and of light, air or view.

(7) **SPECIAL CROSSING PERMITS.** Whenever property held under one ownership is severed by a controlled-access highway, the department may permit a crossing at a designated location, to be used solely for travel between the severed parcels, and such use shall cease if such parcels pass into separate ownership.



## **Appendix IV: Drainage**

*Roads and railroad grades must be constructed and maintained so they do not impede the general flow of surface water in an unreasonable manner. Roads and railroad grades must be constructed with adequate ditches, culverts and other facilities to maintain a practical drainage pattern.*

*The following specifications and statutes cited address some of the impacts which could potentially occur during and after the proposed highway project. The statutes cited can be found in full in the following: Wisconsin Statutes at*

*<https://docs.legis.wisconsin.gov/statutes/statutes/88/VIII/87>. WisDOT's specifications can be found in 2012 Standard Specifications, State of Wisconsin, Department of Transportation at <http://roadwaystandards.dot.wi.gov/standards/stndspec/index.htm>. DATCP recommends that farmland owners concerned about drainage should consult these texts for further information.*

### **Section 88.87(2) of the Wisconsin Statutes describes regulations concerning rights of drainage:**

(a) Whenever any county, town, city, village, railroad company or the department of transportation has heretofore constructed and now maintains or hereafter constructs and maintains any highway or railroad grade in or across any marsh, lowland, natural depression, natural watercourse, natural or man-made channel or drainage course, it shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water-soaking uplands or an unreasonable accumulation and discharge of surface water flooding or water-soaking lowlands. All such highways and railroad grades shall be constructed with adequate ditches, culverts, and other facilities as may be feasible, consonant with sound engineering practices, to the end of maintaining as far as practicable the original flow lines of drainage. This paragraph does not apply to highways or railroad grades used to hold and retain water for cranberry or conservation management purposes.

(b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).

(c) If a city, village, town, county, or railroad company or the department of transportation constructs and maintains a highway or railroad grade not in accordance with par. (a), any property owner damaged by the highway or railroad grade may, within 3 years after the alleged damage occurred, file a claim with the appropriate governmental agency or railroad company. The claim shall consist of a sworn statement of the alleged faulty construction and a description, sufficient to determine the location of the lands, of the lands alleged to have been damaged by

flooding or water-soaking. Within 90 days after the filing of that claim, the governmental agency or railroad company shall either correct the cause of the water damage, acquire rights to use the land for drainage or overflow purposes, or deny the claim. If the agency or company denies the claim or fails to take any action within 90 days after the filing of the claim, the property owner may bring an action in inverse condemnation under ch. 32 or sue for such other relief, other than damages, as may be just and equitable.

**WisDOT specification 205.3.3 further describes its policies concerning drainage:**

- (1) During construction, maintain roadway, ditches, and channels in a well-drained condition at all times by keeping the excavation areas and embankments sloped to the approximate section of the ultimate earth grade. Perform blading or leveling operations when placing embankments and during the process of excavation except if the excavation is in ledge rock or areas where leveling is not practical or necessary. If it is necessary in the prosecution of the work to interrupt existing surface drainage, sewers, or under drainage, provide temporary drainage until completing permanent drainage work.
- (2) If storing salvaged topsoil on the right-of-way during construction operations, stockpile it to preclude interference with or obstruction of surface drainage.
- (3) Seal subgrade surfaces as specified for subgrade intermediate consolidation and trimming in 207.3.9.
- (4) Preserve, protect, and maintain all existing tile drains, sewers, and other subsurface drains, or parts thereof, that the engineer judges should continue in service without change. Repair, at no expense to the department, all damage to these facilities resulting from negligence or carelessness of the contractor's operations.

## **Appendix V: General Criteria for the Classification of Important Farmlands**

The following discussion summarizes the USDA Natural Resources Conservation Service's written criteria for classifying farmlands, greater detail can be obtained from the Natural Resources Conservation Service office located at 6515 Watts Road, Suite 200, Madison, WI 53719-2726.

### **Prime Farmland**

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

### **Unique Farmland**

Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

### **Additional Farmland of Statewide Importance**

This is land, in addition to prime and unique farmland, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

### **Additional Farmland of Local Importance**

In some local areas there is concern for certain additional farmland for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.

## **Appendix VI: NRCS Soil Capability Classes**

The following discussion summarizes the USDA Natural Resources Conservation Service's written criteria for land capability classification, greater detail can be obtained from the Natural Resources Conservation Service office located at 6515 Watts Road, Suite 200, Madison, WI 53719-2726.

Land suited to Cultivation and Other Uses:

**Class I** soils have few limitations that restrict their use.

**Class II** soils have some limitations that reduce the choice of plants or require moderate conservation practices.

**Class III** soils have severe limitations that reduce the choice of plants or require special conservation practices, or both.

**Class IV** soils have very severe limitations that restrict the choice of plants , require very careful management, or both.

Land Limited in Use-Generally Not Suited to Cultivation

**Class V** soils have little or no erosion hazard but have other limitations impractical to remove that limit their use largely to pasture, range, woodland, or wildlife food and cover.

**Class VI** soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife food and cover.

**Class VII** soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

**Class VIII** soils and landforms have limitations that preclude their use for commercial plant production.

### **Soil Capability Subclasses**

A subclass is a group of capability units within a class which has the dominant soil or climatic limitations for agricultural use. Capability Class I has no subclasses. There are four subclasses, designated by letter symbols and defined as follows:

- e** Erosion susceptibility is the dominant problem or hazard. Both erosion susceptibility and past erosion damage are major soil factors for placement in this subclass.
- s** Soil limitations within the rooting zone, such as shallowness of rooting zones, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium, are dominant.
- w** Excess water is the dominant hazard or limitation. Poor soil drainage, wetness, high water table, and overflow are the criteria for placing soils in this subclass.
- c** Climate (temperature or lack of moisture) is the only major hazard or limitation.

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